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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication which he has received from the Acting Director General of the International Atomic Energy Agency (IAEA).

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Annex

Letter dated 11 April 1996 from the Acting Director General of the International Atomic Energy Agency to the Secretary-General

In paragraph 8 of its resolution 715 (1991) of 11 October 1991, the Security Council requested the Director General of the International Atomic Energy Agency to submit to the Council reports on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991). Those reports were to be submitted when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715 (1991).

In paragraph 16 of its resolution 1051 (1996) of 27 March 1996, the Security Council called for the consolidation of the periodic requirements for progress reports under resolutions 699 (1991), 715 (1991) and 1051 (1996), and requested the Director General to submit such consolidated reports every six months to the Council, commencing on 11 April 1996.

Accordingly, I am requesting you kindly to transmit to the President of the Security Council the enclosed first such consolidated semi-annual report under paragraph 16 of resolution 1051 (1996). The Director General remains available for any consultations you or the Council may wish to have.

(Signed) Sueo MACHI
Acting Director General

Appendix

First consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of resolution 1051 (1996)

I. INTRODUCTION

1. On 11 October 1991, the Security Council adopted resolution 715 (1991) approving, inter alia, the plan submitted in document S/22872/Rev.1 and S/22872/Rev.1/Corr.1 by the Director General of the International Atomic Energy Agency (IAEA) for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of Part C of Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991). In paragraph 8 of resolution 715, the Security Council requested the Director General of the IAEA to submit to it reports on the implementation of the plan when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715. [1]

2. On 27 March 1996, the Security Council adopted resolution 1051 in which it approved the mechanism developed by the Special Commission, the IAEA and the Committee established under resolution 661 (1990) for the monitoring of future sales or supplies to Iraq of items identified in the revised annexes to the plans of the IAEA and of the Special Commission for future ongoing monitoring and verification. The Security Council recognized the mechanism as an integral part of the ongoing monitoring and verification by the IAEA and the Special Commission. In paragraph 16 of resolution 1051, the Security Council called for the consolidation of the periodic requirements for progress reports under resolutions 699 (1991), 715 (1991) and resolution 1051 (1996), and requested the Director General of the IAEA to submit such consolidated reports every six months to the Council, commencing on 11 April 1996.

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1 The Director General has so far submitted eight reports, circulated on 15 April 1992, as S/23813; on 28 October 1992, as S/24722; on 19 April 1993, as S/25621; on 3 November 1993, as S/26685; on 22 April 1994, as S/1994/490; on 10 October 1994, as S/1994/1151; on 11 April 1995, as S/1995/287, supplemented on 21 July with S/1995/604; and on 6 October 1995, as S/1995/844.

3. The Director General submits herewith the first such consolidated report under paragraph 16 of resolution 1051 (1996).

II. INSPECTION ACTIVITIES

A. IAEA-28 AND IAEA-29 INSPECTION MISSIONS

4. An ad hoc inspection mission - IAEA-28 - was sent to Iraq from 9 to 19 September 1995 to follow up on information received by the IAEA since the departure from Iraq of Lt. General Hussein Kamel. These follow up activities were continued in an additional ad hoc inspection mission - IAEA-29 - which was sent to Iraq from 17 to 24 October 1995 comprising a team of IAEA inspectors, assisted by experts in centrifuge and in nuclear weapon design and technologies provided by Member States.

5. Detailed reports on IAEA-28 and IAEA-29 were transmitted to the Council as documents S/1995/1008 dated 1 December 1995 and S/1996/14 dated 10 January 1996. Since then additional discussions have taken place with the Iraqi counterpart to clarify the following matters:

a) <u>The research reactor project</u>

6. The history of the development of an indigenous nuclear reactor was discussed with the Iraqi counterpart in November 1995. The discussions opened with a description by the counterpart of the scope of Iraq's planned nuclear power programme which had originated in 1975 and, with international assistance, had developed from modest plans to acquire a single 600 MWe unit, to involve the progressive construction of four to six power plants by the year 2010. Although these plans had been further modified in the mid 1980s, no practical progress had been made in the acquisition of nuclear power plants other than the identification of four possible sites suitable for their location.

7. The counterpart explained that Iraq's feasibility studies on the underground siting of reactors and other fuel cycle related installations had been aimed exclusively at providing protection from aerial attack and that the strategy had been abandoned due to its prohibitive cost.

8. The counterpart further explained that, although it had been managed by the same IAEC department responsible for Iraq's nuclear power programme, project 182, relating to the construction of a research reactor, had been an entirely separate study. This project - which foresaw the construction of an indigenous research reactor to replace the capability that would have been provided by the Osirak (Tamuz-1) research reactor - had originated in 1984/85 after the breakdown of Iraq's negotiations with France for the rebuilding of the Osirak reactor. The project 182 reactor was explained to have been a natural uranium - heavy water type, similar to the Canadian NRX reactor, and that, as the project had become more defined, in 1987 and 1988 studies had concentrated on the design of the reactor core. As this work progressed it was recognised that considerable IAEC and foreign resources would be needed to bring the study to fruition and in mid-1988, while still in the study phase, the project was allowed to lapse due to lack of available resources resulting from the nigher priority needs of the EMIS enrichment and weapon development programmes. The counterpart also stated that studies on the indigenous production of heavy water had not progressed beyond surveys of technical literature and preliminary laboratory measurements.

9. To support their statements the counterpart referred to a small number of documents handed over to the inspectors of IAEA-29. Although the analysis of these new documents and recent intelligence tends to confirm the declarations made by the counterpart in November 1995, additional follow up is still needed to bring project 182's file to a satisfactory close.

b) Uranium enrichment

10. During the month of December 1995 the Secretariat, assisted by experts from Member States, held discussions with the counterpart to further explore the progress that had been made in chemical (solvent extraction) and ion-exchange methods for the enrichment of uranium, before the outbreak of the Gulf war. The counterpart stated that full disclosure of these activities had already been made during the talks which took place during the early (1991) inspections, and maintained that this information was corroborated by the original documentation obtained during the IAEA-6

inspection. However the discussions focused on obtaining additional technical details on activities and achievements.

11. The counterpart reconfirmed that all of the activities carried out had taken place at the Nuclear Research Centre, Tuwaitha, except for the production of tri-n-butyl phosphate (TBP) which, together with some theoretical work on crown ethers, had been done at the Muthanna State Establishment. The motivation to develop the chemical enrichment process had been Iraq's wish to enhance the capability of the EMIS process by feeding low enriched, instead of natural, uranium. Iraqi research in solvent extraction processes for uranium enrichment appears to have been limited to basic laboratory-scale work, but the counterpart expressed confidence that they could have addressed the practical problems that would have arisen during scaling-up, and were in the process of procuring components for a pilot plant to produce four tonnes per year of 1 to 1.5 % enriched uranium.

12. They stated that ion exchange enrichment was promising, but that a lot of work was needed, as experience with ion exchange was limited in Iraq. The results of laboratory scale experiments, using indigenously produced ion exchange resins, were stated to have been modest and a similar project for a pilot plant to produce four tonnes per year of up to 3% enriched uranium had not gone beyond the preliminary assessment of equipment and material requirements. According to the counterpart, their most promising project, though still at the conceptual design stage in late 1990, combined both enrichment methods in an hybrid process having a solvent extraction first stage and an ion exchange output stage, in order to produce up to 5 tonnes per year of 4 to 8% enriched uranium.

13. The counterpart was also asked to further clarify the achievements made with respect to the production of diffusion barriers and compressors, which are key components of gaseous diffusion enrichment technology. The counterpart confirmed that the First Group of PC-3 had continued their work in these areas after their relocation from Tuwaitha to the Engineering Design Centre (Rashdiya) and that some significant achievements had been attained in the development of anodised aluminium barriers. They had been able to demonstrate the corrosion resistance of the barrier material to UF_6 and had achieved measurable uranium isotopic separation. However,

according to the counterpart, this activity, carried out in 1989, had not progressed beyond the qualification of a single barrier.

14. In parallel to barrier studies, attempts to reverse-engineer compressors had been made, in co-operation with Iraq's Specialised Institute for Engineering Industries. However they maintained that these attempts had not been successful. The counterpart stated that all activities related to gaseous diffusion had been stopped in 1989 and priority given to exploiting the progress made in gas centrifuge enrichment technology.

c) Nuclear weapon missile delivery vehicle

15. Iraq's nuclear weapons programme, as planned in 1988, foresaw the production of the first weapon in 1991. However, the nuclear weapon in the mid-1988 conceptual design was deemed to be far too heavy to be delivered by missile. Consequently the PC-3 Fourth Group (Weaponisation) had been advised to further develop the design "with a view to reducing the total weight of the projectile (payload) to about one ton or less"

16. From discussions with the counterpart, undertaken by the IAEA with assistance from a missiles expert provided by the Special Commission, it appears that three delivery vehicle options were pursued:

- Option 1: the longer term plan was for a delivery vehicle based on the engine that was being developed to power the second stage of the Al Abid satellite launcher. This vehicle would have had a payload chamber of 1.25 metres diameter and the capability to deliver a warhead of at least one tonne to a range of almost 1,200 kms. Practical work on this engine did not start until April 1989 and, according to the counterpart, this nuclear weapon delivery vehicle option would not have been complete until 1993 - two years after the first nuclear weapon was supposed to have been produced.

- Option 2: Iraq's stated fall-back option was to use an essentially unmodified Al Hussein missile and to accept a range limitation of 300 km.

- Option 3: although discounted as impracticable by the counterpart, it seems reasonable to suppose that the shorter term - crash programme - option was the attempt, stated to have been initiated in August/September 1990, to produce a derivative of the Al Hussein/Al Abbas missile designed to deliver a warhead of one tonne up to 650 kms and to accommodate a nuclear package of 80 cm diameter.

17. It is difficult to evaluate these options without detailed knowledge of Iraq's nuclear weapons strategy including how that strategy might have evolved up to 1991 and how the strategy might have changed in response to the international reaction to Iraq's invasion of Kuwait. However it is reasonable, based on statements by the counterpart, to suppose that the first device, produced from indigenous HEU, would not have been available before late 1992. Equally, if it is accepted that Iraq's strategy was to acquire a small nuclear arsenal before testing, it is likely that the need to demonstrate a delivery capability would not have arisen until 1994. In this context, the development of the vehicle in option 1 above, which should have been completed in 1993, was compatible with the overall programme.

18. If Iraq's nuclear strategy had always included the option to divert safeguarded HEU to enable them to produce a nuclear weapon by 1991, then the delivery vehicle in the first option was clearly not going to be available and work on an alternative vehicle - perhaps the third option - should have originated much earlier than August 1990. This situation is consistent with the rationale that the diversion of the HEU from safeguards and the development of an interim delivery vehicle were uniquely components of a "crash programme" devised in August/September 1990 and quite separate from the long term programme to acquire a nuclear weapons capability.

B. ONGOING MONITORING AND VERIFICATION ACTIVITIES

a) Operations

19. During the period October 1995 - April 1996, the Baghdad-based IAEA Nuclear Monitoring Group has carried out some 155 monitoring inspections at 65 locations of which 16 were carried out at locations which had not been previously inspected. The majority of these inspections were carried out with no prior announcement and one such inspection, carried out in co-operation with monitoring staff of the UN Special Commission, took place during the night. No indication of prohibited equipment, materials or activities was detected.

20. The Nuclear Monitoring Group, in co-operation with the counterpart, arranged for the repackaging of the inventory of natural uranium tetrachloride from the severely corroded steel drums to corrosion resistant high density plastic containers. The opportunity was taken to re-verify the quantity of this nuclear material and to place it under individual IAEA seals. The counterpart continue to provide practical co-operation to facilitate the implementation of the operational activities of the IAEA.

b) Technical developments

21. A geographic position logger, developed and donated by the Government of the United States, was successfully commissioned. This device, which measures and stores geographic position against time, is now in use in the air sampling programme which uses road vehicle and helicopter-based collection systems. It is expected to use the geoposition logger with other transportable sensors.

c) Video surveillance

22. Video surveillance is used individually and jointly by the IAEA and UNSCOM to assist in the monitoring of activities at Iraqi facilities. The surveillance systems have the capabilities both to record locally and to transmit the video signals via radio telephone links, to the Baghdad Monitoring Verification Centre (BMVC). These capabilities have recently been extended to allow the video signals to be transmitted to the IAEA

headquarters via satellite telephone links and viewed in the Action Team Operations Office in Vienna.

C. PROCUREMENT MATTERS

23. The active co-operation of the Member States involved has made it possible to locate a carbon fibre filament winding machine, whose procurement was initiated by Iraq in mid-1990 for use in the production of rotors for uranium enrichment gas centrifuges. The winding machine was shipped from Switzerland, in February 1991, through Singapore, and was received in Jordan in July 1991, where it has remained until located in November 1995. The final disposition of the machine - whose location was notified to the IAEA by Jordanian authorities in February 1996 - is yet to be determined but its discovery represents the successful conclusion to an investigation into Iraq's clandestine procurement activities started in May 1994 on the basis of information obtained from open sources.

D. EXPLOITATION OF THE DOCUMENTATION CACHE

24. As previously reported, the so-called "Haider House documentation cache", declared to have been withheld on the express orders of the late Hussein Kamel Hassan Al Majid, was subject to immediate review before being transferred from the BMVC to IAEA Headquarters Vienna. Since that time, additional documentation has been provided by the counterpart to the extent that the augmented documentation library now contains what appears to be an almost complete series of the 1,572 technical reports issued by PC-3 and a large number of drawings of the various designs of gas centrifuge machines. The documentation library has been further exploited to provide even fuller understanding of the activities undertaken by Iraq in the area of weaponisation and uranium enrichment technologies. In the latter area, the IAEA has been assisted by experts from Member States, who have carried out a thorough review of the centrifuge enrichment information in order to determine the extent of foreign assistance received by Iraq. The organisation of the documentation library and its further exploitation is an ongoing task of the IAEA's Action Team.

E. PROVISION OF INFORMATION BY IRAQ

25. The reporting requirements stipulated in paragraph 22 and Annex 2 of the Plan are being fulfilled regularly at six-month intervals by the Iraqi authorities.

26. In January 1996, the semi-annual update was provided on facilities, installations and sites where nuclear activities of any kind have been carried out or which in the IAEA's judgement could be suitable for hosting nuclear activities. The update is also required to include sites and facilities where material and equipment identified in the Annex 3 of the IAEA's Plan are located. In this report the Iraqi authorities provided detailed information on 17 additional facilities bringing the total number of sites declared by Iraq under paragraph 22 of the Plan to 189. The large number of documents provided by Iraq since 20 August 1995 may contain information on hitherto undeclared sites and facilities which had been connected with the covert nuclear programme. In this case, Iraq will have to submit detailed information to enable the IAEA to decide if the inclusion of these sites or facilities in the monitoring regime is warranted.

F. FULL, FINAL AND COMPLETE DECLARATION (FFCD)

27. The report on the IAEA's twenty-eighth inspection mission to Iraq recorded the need for a radical revision to the FFCD required of Iraq in accordance with paragraph 3 of Security Council resolution 707 (1991). In response, a 1019 page document was provided, by Iraq, to IAEA staff at the BMVC on 1 March 1996. The document, still in draft form, is composed of six volumes. The table of contents of the FFCD draft is attached to this report. The assessment of the FFCD is proceeding as a high priority task and discussions with the counterpart will be scheduled without delay in order to clarify matters not fully covered in the declaration.

G. RELEASE, RELOCATION AND CHANGE OF THE USE OF EQUIPMENT, MATERIALS AND FACILITIES

28. Through the channel of the Iraqi National Monitoring Directorate (NMD) the IAEA receives requests for the release or relocation of equipment and materials, as well as requests for permission to change the use of monitored buildings. All NMD requests are processed in consultation with the Special Commission. In the period under review, five such requests were received from the NMD, one of which was approved. The remaining four requests are still pending. Items for which release, relocation or change of use is approved remain subject to ongoing monitoring and verification at a frequency commensurate with their significance.

H. THE EXPORT/IMPORT MONITORING MECHANISM

29. Pursuant to paragraph 7 of Security Council resolution 715 (1991), a mechanism for the monitoring of sales and supplies to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including resolution 715 and the plans approved thereunder, was developed by the Committee established under resolution 661 (1990) (the Sanctions Committee), the Special Commission and the IAEA. The mechanism provides for notification by Iraq of intended imports of those items identified by the IAEA and the Special Commission in the revised annexes to their respective plans for ongoing monitoring and verification (documents S/1995/208 and Corr.1 and S/1995/215 and Corr. 1 and 2). It also provides for notification by supplier States of planned supplies of such items to Iraq. The notifications are to be submitted to the IAEA and the Special Commission through a joint unit, located in New York, constituted by the IAEA and the Special Commission. Thereafter, Iraq would be required to declare the arrival, and end use, of such items in Iraq. Those declarations would be subject to verification by the IAEA and the Special Commission under their plans.

30. On 27 March 1996, acting under Chapter VII of the Charter of the United Nations, the Security Council unanimously approved the mechanism in resolution 1051. The resolution requires implementation of the mechanism by Iraq as from a date to be agreed upon by the IAEA, the Special Commission and Iraq, but in any event not later than sixty days from the

adoption of the resolution (i.e., 27 May 1996). All other States must begin to notify the joint unit of intended exports to Iraq as from the date the Secretary-General and the Director General of the IAEA report to the Security Council, after consultations with members of the Security Council and other interested States, that they are satisfied with the preparedness of States for the effective implementation of the mechanism. The Security Council further decided that all States are to be provided, not later than 45 days after the adoption of resolution 1051, by the Special Commission and the IAEA with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism.

31. As recognized by the Security Council, the export/import mechanism is an integral part of ongoing monitoring and verification by the Special Commission and the IAEA. The mechanism is not a regime for international licensing, but rather for the timely provision of information by States of sales or supplies to Iraq of items covered by the plans for ongoing monitoring and verification. As further recognized by the Council, the mechanism "will not impede Iraq's legitimate right to import or export for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development".

32. Finally, the Security Council decided to consolidate the periodic requirements for progress reports under resolutions 699 (1991), 715 (1991) and resolution 1051 and to request the Secretary-General and the Director General of the IAEA to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996.

III. SUMMARY

33. The IAEA continues with the rigorous implementation of its plan for the monitoring and verification of Iraq's compliance with the relevant Security Council resolutions through the resident inspectors of the Nuclear Monitoring Group with the assistance of, and in full co-ordination with, the Special Commission. During the period under review the Nuclear Monitoring Group conducted 155 inspections at some 65 facilities, 16 of which were not previously inspected. It has not, since the IAEA's last

report to the Council, seen instances of activities or the presence, in Iraq, of equipment or materials proscribed by those resolutions.

34. The Iraqi counterpart has continued to co-operate with the IAEA in a practical way in the implementation of the OMV. They have been forthcoming in technical discussions, but persist in understating Iraq's achievements, as assessed by the IAEA, in their former nuclear weapons programme.

35. In the light of the IAEA's assessment of Iraq's pre-Gulf war nuclear capabilities, it is prudent to assume that Iraq retains the theoretical capability to produce nuclear-weapons-usable material, to fabricate nuclear weapons and to design and manufacture a missile delivery system. It is this assumption which forms the basis for the design, implementation and continuing development of the IAEA's plan for ongoing monitoring and verification in Iraq.

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S/1996/262
11 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 112
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-first year

Identical letters dated 2 April 1996 from the Permanent Representative of Guinea to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to forward to you herewith the text of a statement adopted by the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference at its meeting held today, Tuesday, 2 April 1996, at the United Nations in New York (see annex). The Contact Group met to consider the deterioration of the situation in Jammu and Kashmir in the wake of the massacre of 22 Kashmiris at the Hazrat Bal Shrine in Srinagar and the abduction and custodial killing of Mr. Jalil Andrabi, Chairman of the Kashmiri Commission of Jurists.

I would appreciate it if you would have the present letter and the enclosed statement circulated as a document of the General Assembly, under agenda item 112, and of the Security Council, while considering such action as you may deem appropriate to defuse the tension and to prevent repetition of the violations of human rights of the Kashmiri people.

(Signed) Mahawa Bangoura CAMARA
Ambassador
Permanent Representative
Chairman OIC Contact Group on Kashmir

ANNEX

Statement by the OIC Contact Group on Jammu and Kashmir

In a meeting held at the United Nations in New York on 2 April 1996, the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference considered the worsening of the situation in Kashmir in the wake of the massacre of 22 Kashmiris at the Hazrat Bal Shrine in Srinagar and the custodial killing of Mr. Jalil Andrabi, Chairman of the Kashmir Commission of Jurists.

The OIC Contact Group condemned the indiscriminate killing by Indian forces of 22 Kashmiris in Srinagar on 30 March 1996, at the end of the siege of the Hazrat Bal Shrine.

The OIC Contact Group noted with dismay that the Indian authorities' disrespect of holy places in Indian-held Kashmir has emerged as a particularly disturbing feature of the campaign to crush the Kashmiri people's struggle for self-determination. This was the second siege of the Hazrat Bal Shrine since October 1993. It came in the wake of the desecration of the venerated shrine of Charar Sharif, which was burnt to the ground last year.

The OIC Contact Group further expressed its shock at the brutal murder of Mr. Jalil Andrabi, Chairman of the Kashmir Commission of Jurists. Mr. Andrabi was proceeding to attend the current meeting of the Commission on Human Rights in Geneva. Prior to his departure, Mr. Andrabi was kidnapped by elements of the notorious Rashtriya Rifles on 8 March 1996 in the presence of his wife. Mr. Andrabi's body was found on 27 March in the river Jhelum with his hands and feet tied.

The OIC Contact Group expressed its grave concern at the rapidly deteriorating situation in Kashmir. The Group called on the Indian authorities to stop the continuing violence against the Kashmiri people and to end the grave human rights violations being perpetrated in Indian-occupied Kashmir.

Reaffirming the OIC resolution on Jammu and Kashmir adopted at the Seventh Islamic Summit, held at Casablanca, the Contact Group expressed complete solidarity with the Kashmiri people. It urged the United Nations Secretary-General to take due cognizance of the deteriorating situation in Kashmir. It also appealed to the President of the Security Council to take note of the situation and to bring the matter to the attention of the Security Council for appropriate action.

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11 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 19
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to draw your attention to a view concerning the issue of State succession in former Yugoslavia expressed in the United Nations document entitled "Summary of Practice of the Secretary-General as depositary of multilateral treaties" (ST/LEG/8), as prepared by the Treaty Section of the Office of Legal Affairs. I refer in particular to paragraphs 297 and 298 of the said document.

The Federal Republic of Germany would like to express its disagreement with any interpretation that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... remains ... the predecessor State upon separation of parts of the territory of the former Yugoslavia". Such an interpretation is contrary, in particular, to Security Council resolution 777 (1992), in which the Council stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". The General Assembly in its resolution 47/1 supported the decision of the Security Council.

Recently, in Security Council resolution 1022 (1995) of 22 November 1995, the Council confirmed with regard to the State formerly known as the Socialist Federal Republic of Yugoslavia "... that that State has ceased to exist ...".

Moreover, the interpretation in question is contrary to the opinions of the Arbitration Commission of the Conference for Peace in Yugoslavia. The Arbitration Commission concluded that the former Socialist Federal Republic of Yugoslavia had dissolved and ceased to exist as a subject of international law, and that none of the successor States, including the Federal Republic of

Yugoslavia (Serbia and Montenegro), could claim to be the sole successor State of the former Socialist Federal Republic of Yugoslavia. The fundamental principles of equality of rights and duties in respect of international law which deal with succession of States with respect to treaties, State property, archives and debts were to be applied to all successor States (opinions No. 8, 9 and 10) (see A/48/874-S/1994/189).

As the interpretation contained in the said document has given rise to serious concerns also for my Government, I would welcome if the legal situation laid out in the resolutions cited above could be reflected in the corrigendum reportedly under consideration in the United Nations Secretariat.

I should be grateful for your kind assistance in circulating the present letter as a document of the General Assembly, under agenda item 19, and as a document of the Security Council.

(Signed) Tono EITEL

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11 April 1996

ORIGINAL: ENGLISH

LETTER DATED 11 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter of the Permanent Representative of the Sudan (S/1996/255) dated 8 April 1996 and its annex, and upon instruction of my Government, I have the honour to enclose herewith a copy of a note dated 3 April 1996 from the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia to the Ministry of Foreign Affairs of the Republic of the Sudan in response to the baseless accusations by the Government of the Sudan that Ethiopian armed forces have launched attacks on Sudanese territories.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Ambassador
Permanent Representative

96-09113 (E) 110496 120496

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Annex

Note dated 3 April 1996 from the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia addressed to the Ministry of Foreign Affairs of the Republic of the Sudan

The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia presents its compliments to the Ministry of Foreign Affairs of the Republic of the Sudan and has the honour to refer to the latter's note dated 28 March 1996 regarding allegations by the Government of the Sudan that Ethiopian armed forces have launched repeated attacks on its territories and are occupying several places inside the territory of the Sudan. The Ministry of Foreign Affairs, in its press release issued on 26 March 1996, has refuted the latest fabrications by the Government of the Sudan that Ethiopian troops were instrumental in the capture of the towns of Yaboos and Fashalla. However, to put the records straight, the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia would like to state the following.

The Ministry notes that this is not the first time that the Sudanese Government has levelled accusations against Ethiopia, blaming it for invading this or that part of Sudanese territory, accusations that are usually made by design to coincide with debates in the Security Council on Sudanese involvement in the assassination attempt against President Hosni Mubarak of Egypt. This latest accusation by the Sudan is in no way different from previous accusations and it is also like the previous ones, no doubt, calculated to impress members of the Security Council with a view to diverting their attention from taking the next step in the light of the Sudan's failure to implement Security Council resolution 1044 (1996).

It is the conviction of the Ministry of Foreign Affairs that the only major issue between the Sudan and Ethiopia is the request by the Security Council and the Organization of African Unity calling upon the Government of the Sudan to hand over the three terrorists to Ethiopia for prosecution. In this context the attempt by the Sudan to continue provoking Ethiopia by fabricating stories of Ethiopian aggression would serve no purpose other than complicating further the already complicated situation arising from the Sudanese involvement in State-sponsored terrorism.

It is therefore vital that the Sudan desist from this type of provocative and diversionary activity in the future and instead take the necessary measures to comply with the decisions of the Security Council and the international community. The attempt to hide behind the Organization of African Unity or behind fabricated stories would not help the Sudan to ignore, with impunity, the demands of the Security Council and the Organization of African Unity.

Good neighbourliness based on respect for the unity and territorial integrity of States is one of the cardinal principles that the Government of Ethiopia pursues vis-à-vis all its neighbouring countries. Ethiopia expects that these lofty principles are reciprocated by its neighbouring countries, including the Sudan.

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S/1996/265
11 April 1996
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GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

As Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5542, entitled "The occupied Syrian Arab Golan", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative
Chairman of the Arab Group

* A/51/50.

96-09178 (E) 150496 170496 180496

/...

ANNEX

Resolution 5542, entitled "The occupied Syrian Arab Golan", as adopted by the Council of the League of Arab States at its one hundred and fifth session on 21 March 1996

A

The Council of the League of Arab States,

Having examined:

The note of the General Secretariat;

And the recommendation of the Political Affairs Committee,

Following with increased concern and apprehension the continued Israeli occupation of the Syrian Arab Golan, Israel's persistent refusal to implement the resolutions of the United Nations and to submit to the will of the international community, which considers the Israeli occupation and Israel's decision to annex the Syrian Arab Golan as null and void and lacking any legal validity,

Having carefully studied the situation in the occupied Syrian Arab Golan in the light of the practices of the Israeli occupation authorities in violation of the Charter of the United Nations, international treaties, international law, the resolutions of the United Nations and developments in the peace process,

Recalling its previous resolutions as well as international resolutions affirming the inadmissibility of the acquisition of territory by force,

Decides

1. To reaffirm its resolution 4126 of 13 January 1982 and subsequent resolutions, the most recent being resolution 5493 of 21 September 1995, which provides that all measures adopted by the Israeli occupation authorities with a view to altering the juridical, natural and demographic situation in the occupied Syrian Arab Golan are to be rejected and that Israel's measures to extend its sovereignty over the occupied Syrian Arab Golan are to be considered as unlawful and null and void and as constituting a violation of international agreements, the Charter of the United Nations and United Nations resolutions, in particular Security Council resolution 497 (1981) and General Assembly resolution 50/32 B of 4 December 1995, which affirm, respectively, that the Israeli decision of 14 December 1981 annexing the occupied Syrian Arab Golan is unlawful and null and void and that the Knesset decision of 11 November 1991 to the same effect is null and void, has no validity whatever and constitutes a grave violation of Security Council resolution 497 (1981);

2. To call upon the co-sponsors of the peace process and the international community to assume their responsibility to require Israel to

comply with the applicable international resolutions calling for complete withdrawal from the occupied Syrian Arab Golan and to support Syria in its firm commitment to the achievement of a just and comprehensive peace in the region;

3. To support the resistance of the Syrian Arab residents of the area and stand by them in their opposition to Israel's occupation and repressive practices and their persistence in clinging to their land and their Syrian Arab identity; and to reaffirm the applicability of the 1949 Geneva Convention to the citizens of the occupied Syrian Arab Golan;

4. To appeal to the international community, and especially the co-sponsors of the Madrid Peace Conference on the Middle East, to prevail upon Israel to implement the United Nations resolutions on complete Israeli withdrawal from the Golan to the line of 4 June 1967 and from the occupied Arab territories;

5. To reaffirm the resolute support of the Arab States for Syria's just claim and its right to the return of all of the occupied Syrian Arab Golan, in accordance with the principles governing the peace process and the relevant United Nations resolutions.

B

The Council of the League of Arab States,

Expressing its deep concern at continuing attempts by Israel to defy the will of the international community and to have the Knesset adopt decisions reaffirming those decisions on annexations that the international community has declared to be null and void, in particular the approval by the Knesset on 13 March 1996, in first reading, of a bill that would confirm the annexation of the Golan,

Decides

1. To condemn the ongoing attempts in the Israeli Knesset to perpetuate the occupation of the Syrian Golan; and to regard these attempts as undermining the efforts being made for the success of the peace process and as being in defiance of the will of the international community and the resolutions of the United Nations, particularly Security Council resolution 497 (1981), which regards the Israeli measures relating to the Golan as null and void;

2. To call attention to the dangers inherent in these attempts, given that they reveal attitudes that are inimical to peace; and to call upon the co-sponsors of the peace process and the international community to take immediate action to halt these attempts and to save the peace process.

Resolution 5542
One hundred and fifth regular session
3rd meeting
21 March 1996

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Security Council

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GENERAL

S/1996/266
10 April 1996

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 10 October 1995, contained in document S/1995/869, informing members of the Council of the extension for six months of the appointment of my Representative in Cambodia, Mr. Benny Widyono. During that period, Mr. Widyono has been assisted by one military adviser in carrying out his mandate in accordance with the spirit and principles of the Paris Agreements.

In response to the wish of the Government of Cambodia, I have decided that Mr. Widyono's term be extended for a further six months and that he should continue to be assisted by one military adviser.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-09149 (E) 110496 120496

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11 April 1996
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LETTER DATED 11 APRIL 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter of 8 April 1996 (S/1996/266) has been brought to the attention of the members of the Security Council. The members of the Council take note of the information contained in the letter and welcome your decision to extend the mandate of your Representative in Cambodia for six months.

(Signed) Juan SOMAVIA
President of the Security Council

96-09160 (E) 110496 110496 120496

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Security Council

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S/1996/268
11 April 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you a list indicating the number of bombs, rockets and other ordnance remaining from the time of the thirty-power aggression against Iraq, namely 1,456 bombs, shells, rockets and mines of various types, found and disposed of in various parts of the country during the period from 1 to 31 March 1996.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-09125 (E) 120496 120496 130496

/...

Annex

Monthly Bomb Disposal Statement, 1 to 31 March 1996

No.	Civil Defence Department	Ordnance disposed of and destroyed
1	Baghdad	1 anti-personnel mine
		2 120-mm mortar shells
		1 60-mm mortar shell
2	Diyala	70 anti-personnel mines
3	Karbala	1 defensive grenade
		1 82-mm mortar shell
4	Najaf	1 RPG-7 rocket-propelled grenade
5	Dhi Qar	1 assault grenade
6	Ninawa	1 mortar shell
		1 anti-aircraft missile
7	Anbar	253 Kufa spherical bombs
		53 anti-runway rockets
8	Ta'mim	2 artillery shells
9	Basra	4 cluster bombs
		75 spherical bombs
		4 spider bombs
		45 RPG-7 rockets
		26 SPG-9 rockets
		24 large launcher rockets
		1 TOW rocket
		7 60-mm mortar shells
		4 anti-personnel mines
		30 anti-tank mines
		10 100-mm artillery shells
		37 defensive and assault grenades
		543 detonators of various sizes
		276 SPG-9 rocket propellant charges
Total		1 456 bombs, missiles and rockets of various types

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11 April 1996
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ORIGINAL: ARABIC

LETTER DATED 10 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a copy of an article published by the newspaper Al-Sharq al-Awsat in its issue No. 6343 on Wednesday, 10 April 1996 (annex I). It speaks of a documentary to be shown on Channel 4 television in London that points an accusing finger at United States intelligence as having been responsible for the 1984 killing of British policewoman Yvonne Fletcher in front of the Libyan embassy in London during a hostile demonstration organized and supervised by the British authorities. It is this incident that led to the severance of diplomatic relations between the two countries. I am also transmitting to you herewith a copy of an article on the same subject published by the British newspaper The Guardian on 9 April 1996 (annex II).

These facts continue the process of revealing that the Libyan Arab Jamahiriya is innocent of the charges falsely made against it and contrived by United States intelligence, beginning with the accusation of terrorism. They include the charge of having bombed a West Berlin nightclub in 1986 that was used by former President Reagan as the pretext for his brutal nighttime attack on peaceable Libyan cities in which some dozens of children, women and old people were killed, among them Hana' Muammar Qaddafi, the adopted daughter of the Leader of the Revolution. Most regrettably, the Security Council failed to condemn this attack owing to the arbitrary use of the veto by the aggressor.

In connection with the charge of having bombed an American aircraft suddenly made against two Libyan nationals at the end of 1991, more than three years after the incident had taken place, the Security Council was used to impose an aerial embargo and various economic sanctions on the Libyan Arab people on the basis of a mere allegation for which no evidence was produced. The rejection of all proposals for the peaceful resolution of the dispute, in particular of the Jamahiriya's request that the suspects be tried in a neutral country, even before Scottish judges and under Scots law, only indicates that the charge was false from the outset. A fair and impartial trial would reveal that to the entire world, just as it would reveal that many of the United States accusations against the Jamahiriya are false. The most recent revelation is

that published today concerning the incident in which the British policewoman was killed. The facts show that she was killed by a bullet fired by a United States intelligence agent in order to put a strain on relations between the Jamahiriya and the United Kingdom and enlist the latter in the secret schemes of the United States against the Jamahiriya. After this incident, the United Kingdom did participate and help in the brutal attack on Libyan cities in 1986.

Your acquaintance with these facts reinforces the statements we have previously made in our defence against the charges levelled against the two Libyan nationals in connection with the Lockerbie case. We are certain that they are innocent. It was unjust of the Security Council to allow itself to be carried away by United States allegations unsupported by evidence and to impose harsh sanctions on the people of the Jamahiriya. Much information has nevertheless come to light to indicate that the two Libyan nationals were innocent of this charge and that it is a fabrication of United States intelligence. This explains the intransigence of the United States and its rejection of the solutions proposed by the Jamahiriya, most recently the acceptance by the Jamahiriya of the proposal of the League of Arab States that the suspects in the case should be tried at the seat of the International Court of Justice at The Hague before Scottish judges and under Scots law. This suggestion has received the support of international and regional organizations because it takes account of the interests of all the parties and brings an end to the suffering both of the victims' families and of the Libyan Arab people.

We hope that this new information will prompt the Security Council to review its resolutions against the Jamahiriya, to lift the sanctions unjustly imposed on the country and to order that the proposal of the League of Arab States be accepted and implemented under United Nations auspices.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative

Annex I

Article from the newspaper Al-Sharq al-Awsat
for Wednesday, 10 April 1996

In a Television Programme to Be Shown in London Today:

UNITED STATES ACCUSED OF KILLING THE BRITISH POLICEWOMAN
IN FRONT OF THE LIBYAN EMBASSY

London: from Muhammad al-Shafi'i

This evening British television is to show a documentary that is likely to be controversial on the killing of British policewoman Yvonne Fletcher in front of the Libyan embassy building on 17 April 1984. The programme points an accusing finger at United States intelligence in the affair of the killing of Constable Fletcher and says that the fatal bullet was fired from the sixth floor of a building in St. James's Square and not from the first floor of the Libyan embassy.

The programme bases itself on the contradiction between a computer-assisted analysis of the sound of the 11 shots fired in front of the embassy building that day in the direction of a demonstration by the Libyan opposition and the fact that criminal investigators found 12 spent rounds in the square after the incident. The programme also presents the testimony of a senior expert in forensic medicine who examined Fletcher's body and who states that the angle of entry of the bullet indicates that it came from a height and not from inside the Libyan embassy.

The killing of Constable Fletcher during a demonstration by the Libyan opposition in St. James's Square in central London led to the expulsion of 22 diplomats after a 10-day seige of the Libyan embassy and to the severance of diplomatic relations between the two countries.

Reached by telephone by Al-Sharq al-Awsat, a spokesman for Channel 4 said that the documentary presented new scientific evidence that revealed that the bullet that killed Constable Fletcher had not come from inside the Libyan embassy but from a high building in the centre of the square.

He indicated that the programme had taken several months to prepare and included a sound recording and a computer analysis of the shots fired at the time of the incident. There had been 11 such shots, while criminal investigators had found 12 spent rounds in the square.

The programme, which is part of the "Dispatches" series and is to be shown on Channel 4 this evening, also includes testimony by Hugh Thomas, a former senior forensic surgeon in Northern Ireland. On the basis of the angle of entry of the bullet into the body of Yvonne Fletcher, who was standing erect directly in front of the Libyan embassy building, he states that it came from a greater height and not from the first floor of the Libyan embassy.

The spokesman for Channel 4 said that the most up-to-date electronic techniques had been used to reconstruct the scene of the incident on 17 April 1984 in St. James's Square in order to ascertain what had happened in front of the Libyan embassy building on that day.

Also reached by telephone by Al-Sharq al-Awsat, a spokesman for Scotland Yard said that he could not comment on the programme before seeing it and abstracting whatever new evidence it presented that might lead to the identification of the perpetrator, who had yet to be brought to justice. He added that they would make their move after the programme if there was actual new evidence that helped to identify the killer of Constable Yvonne Fletcher.

The new evidence to be presented today by the documentary indicates that Constable Fletcher was killed by a bullet that came from the sixth floor of a building in the same square, a floor that was occupied by officers of United States security agencies. It is asserted that the incident took place in order to ensure that British efforts would support the United States before an air strike was directed against Libya using British airfields in April 1986. The programme also indicates that, before the incident, British intelligence had advance information that members of the Libyan opposition were to be fired on from inside the Libyan embassy while they were demonstrating.

Yvonne Fletcher, shot dead policing demonstration

Documentary says second gunman could have been behind killing in 1984 which hardened British attitude to Gaddafi

The memorial to WPC Fletcher placed in St James's Square. Her family feels the whole truth has not emerged

'US involved' in death of WPC at Libyan embassy

Duncan Campbell and Richard Norton-Taylor

YVONNE Fletcher, the policewoman shot dead during a demonstration outside the Libyan Embassy more than 10 years ago, could have been killed by a member of the American intelligence services to enlist British support against Libya, according to a documentary to be shown tomorrow.

The programme claims that a second gunman could have been involved in the killing, and suggests many key facts in the case have been covered up.

WPC Fletcher was on duty outside the Libyan Embassy in St James's Square, central London, in April 1984 when shots were fired at anti-Gaddafi demonstrators. At the time it was believed that all the shots had been fired from the first floor of the Embassy building.

No one was charged with the murder. The 22 Embassy officials were allowed to leave the building 10 days after the shooting, were escorted to Heathrow airport and flew back to a heroes' welcome in Tripoli.

Members of Ms Fletcher's family have always felt that the whole truth has not emerged. Her mother, Queenie Fletcher, said on the tenth anniversary of her daughter's death: "I think the Government probably knew more about that demonstration than anyone admits, they knew that there was something different about it but the message wasn't passed on. It should have been policed differently and constables like Yvonne should not have been there."

A Dispatches documentary to be shown on Channel 4 tomorrow suggests that Yvonne Fletcher's death could have been a cynical murder in order to bring the British into line as part of the United States's campaign against Libya. When the US bombed Tripoli in an unsuccessful attempt to kill Gaddafi in April 1986, it was vital that they had the use of British airbases to launch their attacks.

The programme casts doubt on the original finding that WPC Fletcher must have been shot from a first floor window of the embassy. It suggests, with the backing of Hugh Thomas — a controversial former army surgeon — that the trajectory of the bullet that killed her indicates that she was shot from a much greater height.

It is also claimed that the security services were aware of the fact that Colonel Gaddafi had told those in the embassy that they could respond to the protest demonstration by Libyan dissidents by opening fire on them. It was clear, it is suggested, that on the day WPC Fletcher was killed there was intelligence that a shooting should take place.

The programme argues that the fatal shot could have come from a handgun fired from the sixth floor of another building in the square which had recently been used by intelligence officers. American security analysts say that the shooting drastically altered the British attitude to Gaddafi which, until then, had been much more relaxed than that within the Reagan administration.

Conservative MP Teddy Taylor, who has taken an interest in the case for a number of years, says in the programme that attempts to get the truth of what exactly happened that day have been rebuffed. "What we get back all the time is waffle," he says.

The programme says a post-mortem report on Ms Fletcher was changed after the inquest and a Cabinet Office report on the incident was never published.

The Guardian
Tuesday, 9 April 1996
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General Assembly
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S/1996/270
11 April 1996

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GENERAL ASSEMBLY
Fifty-first session
Item 86 of the preliminary list*
COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea published on 10 April 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under item 86 of the preliminary list, and of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

* A/51/50.

ANNEX

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea - 10 April 1996

The United Nations is now at a historic juncture in reorienting itself to the post-cold-war era. In working out ways and means to meet the challenges of the future, the United Nations should not look away from the reality of the Korean peninsula, the only place where the cold war persists undiminished, but should rather settle a proper account with its past associated with the question of Korea.

The question of Korea is, in substance, a matter of Korea's reunification and of ensuring peace there. In recalling five decades of its activities, the Yearbook of the United Nations (special edition), recently published by the United Nations Secretariat, described the "election" staged in south Korea under United Nations "supervision" in 1948 and the military actions taken by the United Nations against the Democratic People's Republic of Korea in 1950 and the "achievements" of the United Nations, which is indeed a prejudice lacking impartiality and objectivity.

To help straighten out such a prejudice, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea hereby issues the present memorandum.

I. THE UNITED NATIONS AND THE DIVISION OF KOREA

The United Nations was abused in dividing Korea. The Korean nation is a homogeneous nation which has lived with a single language and in a single territory for over 5,000 years. Korea is not a defeated nation of the Second World War.

For the sole reason that it was a colony of the Japanese imperialists, Korea was included in the operational zone of the Allied forces at the final stage of the Second World War, when the United States of America "persuaded" the then Soviet Union that "the United States forces should participate in disarming the Japanese forces stationed in Korea", and thereby divided Korea along the 38th parallel of north latitude "temporarily", placing the northern part of Korea under Soviet responsibility and the southern part under United States responsibility.

The Moscow Conference of Foreign Minsters of the Soviet Union, the United States and the United Kingdom of Great Britain and Northern Ireland, held in December 1945 after the defeat of the Japanese imperialists, adopted a decision to set up "a Korean democratic government" and, in order to assist its formation, to "establish a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea". Thereafter, however, the United States insisted on the establishment of provisional legislatures separately in the north and the south of Korea before it finally brought the USSR/United States Joint Commission to the point of breakdown, and, in total disregard of the will of the Korean people to set up a

unified government by themselves, unilaterally brought the matter to the United Nations, which was under its influence at the time.

Led by the United States, the United Nations General Assembly put "The problem of the independence of Korea" on the agenda at its second session and adopted resolution 112 (II), calling for elections under the supervision of the "United Nations Temporary Commission on Korea". Pursuant to that resolution, Lieutenant General John Hodge, the commanding officer of the United States occupation forces, on 1 March 1948 issued a proclamation "that elections shall be held within the territory of this command" and forced a separate "election" on 10 May in the area south of the 38th parallel to install a pro-United States separatist regime.

It is in contravention of Articles 10 and 11 of the Charter of the United Nations on the mandate of the General Assembly, that the General Assembly, which was supposed to discuss only "questions relating to the maintenance of international peace and security", discussed the "problem of independence" of a country, or did not "refer to the Security Council" for its consideration "either before or after discussion" even if it regarded the question of Korea at that time as "relating to the maintenance of international peace and security".

General elections were held in August of that year, expressing the true will of the Korean people, with the participation of 85.2 per cent of all the Korean voters (99.97 per cent in the north and 77.52 per cent in the south), which resulted in the founding of the Democratic People's Republic of Korea on 9 September 1948. However, the United States engineered the adoption of resolution 195 (III) by the General Assembly at its third session in December of the same year, declaring that the "Republic of Korea" had the "jurisdiction" over the area south of the 38th parallel in which the separate election had been held. Thus, with the "help" of the United Nations, the division of Korea was institutionalized, and this was how the history of Korea's tragic national division began.

II. THE UNITED NATIONS AND THE KOREAN WAR

The United Nations was again abused with the outbreak of the Korean War. The forced division of the nation led to the build-up of tension and eventually to the conflict.

A number of different military provocations and armed intrusions into the area north of the 38th parallel had begun in 1947 and increased to as many as 2,517 incidents a year in 1949. The very paragraph 1 of Article 1, Chapter I, of the Charter on "adjustment or settlement of international disputes or situations which might lead to a breach of the peace", however, had never applied to the Korean peninsula, as a result of the tendency of the United Nations of the time to follow the United States and the symptom of the Security Council's functional paralysis, tied up as it was by the "vetoes" of its permanent members.

But then, on 13 January 1950, the representative of the Soviet Union, a permanent member of the Security Council, boycotted the Council meeting over the

representation of the "Republic of China", thus leaving the Soviet "veto power" in a vacuum until the end of July of that year. This cannot be construed as anything other than a prearranged scenario to ignite a full-scale war and to refer the "situation" to the Security Council at that time.

On 25 June, the Security Council met on the item entitled "Complaint of aggression upon the 'Republic of Korea'", brought up all of a sudden by the United States and "adopted", the same day, resolution 82 (1950), determining that "the armed attack on the Republic of Korea by forces from North Korea ... constitutes a breach of the peace". Two days later, on 27 June, the Security Council, on the same item, "adopted" resolution 83 (1950), recommending that the "Members of the United Nations" take immediate military steps; and on 7 July, 10 days later, "adopted" resolution 84 (1950), making the United Nations Members' forces "available to a unified command under the United States of America" recommending "the United States to designate the commander of such forces", and authorizing "the unified command at its discretion to use the United Nations flag".

Article 27, paragraph 3, of the Charter provides that the decisions of the Security Council on all matters except procedural ones require the "concurring votes" of the permanent members. The boycott of those Council meetings by the Soviet Union, a permanent member, can by no means be interpreted as a concurring vote. Furthermore, the fact that the Security Council hastily adopted those resolutions one after another without even inviting for its consideration the party against which the "complaint" had been lodged, not only constitutes a contravention of article 39 of the Council's provisional rules of procedure but reveals that it was a premeditated action.

The "steps" unjustly taken in that manner by the United Nations of the time under the strong-arm pressure of the United States did not help "halt the conflict and restore the peace" but instead brought on the most disastrous all-out war between the United States and the Democratic People's Republic of Korea which lasted for the next three years, and thereafter was followed by the world record of the 43-year-long touch-and-go state of armistice in the absence of any forthcoming assurance of peace.

The silence of the Yearbook of the United Nations on this point calls into question the impartiality and objectivity of the United Nations.

III. THE UNITED NATIONS AND THE "UNITED NATIONS COMMAND"

The United Nations is being abused, even today, in sustaining the cold war in the Korean peninsula. Here again, the Yearbook of the United Nations (special edition) has failed to refer to the continued existence of the "United Nations Command" in south Korea.

The "United Nations Command" is a military mechanism set up by the United States in July 1950 pursuant to the aforementioned Security Council resolution 84 (1950) to command the armed forces sent to the Korean War by the 15 United Nations Members, and the "party" that concluded the Korean Armistice Agreement

on 27 July 1953 with the Korean People's Army and the Chinese People's Volunteers, the other belligerent party.

Existing outside the United Nations, however, the "United Nations Command" has become nothing but a bogus instrument that only serves the purpose of camouflaging the real belligerent entity.

On 31 January 1951, the Security Council adopted resolution 90 (1951), deciding to delete from the agenda of the Council the item "Complaint of aggression upon the 'Republic of Korea'". The general practice of the Security Council would not allow any deletion of an item from its agenda until the Council's actions on the matter have been completed. The United Nations does not bear the expenses of the "United Nations Command", either.

On 18 November 1975, the General Assembly at its thirtieth session adopted resolution 3390 (XXX) A, expressing the hope that the discussions would be completed "in order that the United Nations Command may be dissolved on 1 January 1976 so that by that date no armed forces under the United Nations flag will remain in the South of Korea", and resolution 3390 (XXX) B, considering "that it is necessary to dissolve the 'United Nations Command' and withdraw all the foreign troops stationed in South Korea under the flag of the United Nations".

With regard to the authority over the "United Nations Command", the Secretary-General of the United Nations, in his letter of 24 June 1994 to the Minister for Foreign Affairs of the Democratic People's Republic of Korea, expressed the views that no principal organ of the United Nations, including the Secretary-General, can be the proper instance to decide on the continued existence or the dissolution of the United Nations Command. By paragraph 3 of resolution 84 (1950), the Security Council did not establish the unified command as a subsidiary organ under its control, but merely recommended the creation of such a command, specifying that it be under the authority of the United States. Therefore the dissolution of the unified command does not fall within the responsibility of any United Nations organ but is a matter within the competence of the Government of the United States.

The existence of such a "United Nations Command" today poses a legal impediment to the conversion of the current state of armistice into a durable peace to end the cold war in the Korean peninsula.

This shows that the real States parties to the Korean Armistice Agreement are both the Democratic People's Republic of Korea and the United States, even if the signatories are the Democratic People's Republic of Korea/People's Republic of China and the United Nations.

The commander of the "United Nations Command" was designated by the United States Government, while all the succeeding commanders have been exclusively United States officers. Traditionally, the commander of the "United Nations forces" has concurrently been the commander of the unified forces of the United States and the "Republic of Korea", who has the commanding authority over the entire armed forces of south Korea as well as the United States forces stationed in south Korea.

And the parties directly involved in the maintenance of the armistice mechanism have been the Democratic People's Republic of Korea and the United States as well.

Since 1958, no Members of the United Nations other than the United States have made any of their armed forces available to the "United Nations Command", whereas the Chinese People's Volunteers had previously completed their withdrawal. As revealed in the letter of the United States Government of 22 September 1975 to the Security Council, the "United Nations Command" of that time had already degenerated into a symbolic body with less than 300 staff and honour guards, playing the sole role of lending the helmets of the "United Nations forces" and the United Nations flag to the commander of the unified forces of the United States and the "Republic of Korea".

South Korea was neither a Member of the United Nations at the time nor has it been a party to the Korean Armistice Agreement. The south Korean authorities had been dead set against the cease-fire, and its military had refused even to sign the Korean Armistice Agreement. Moreover, the south Korean authorities have yet to assume the commanding authority over their own armed forces from the United States, which has assumed it since July 1950.

Either from the legal point of view or in terms of responsibility and competence, it becomes clear after all that the real party to the Korean Armistice Agreement is the United States Government, the responsibility of which, however, is being covered up by the signboard of the "United Nations Command" and the United Nations flag.

IV. THE OPTION FOR THE UNITED NATIONS

The United Nations is now becoming aware of its unsavoury past in having been misused on the question of Korea.

There would have been no such peaceful solution as noted with "satisfaction" by the Security Council on 4 November 1994 and a second Korean war would have broken out had the United Nations chosen to repeat its past by unilaterally imposing "sanctions" against the Democratic People's Republic of Korea when some elements opposed to the Democratic People's Republic of Korea on 11 May 1993 brought before the Security Council the nuclear issue on which tension had been mounting between the Democratic People's Republic of Korea and the United States.

The very fact that it was only the talks between the Democratic People's Republic of Korea and the United States that produced such a satisfactory solution to the nuclear issue on the Korean peninsula, clearly shows what choice the United Nations should make.

In order to help the United States to carry out its responsibilities and its role in ensuring peace in the Korean peninsula, the United Nations might just as well recommend the dissolution of the "United Nations Command" as it "recommended" its establishment to the United States back in 1950, or at least rescue its name and its flag from being misused by the United States. Doing so

would be the right way and a proper deed for the United Nations that may contribute to peace in the Korean peninsula.

Having put forward recently another proposal for the conclusion of an interim agreement as part of its consistent efforts towards peace on the Korean peninsula, the Democratic People's Republic of Korea is awaiting the United States response thereto.

UNITED
NATIONS

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General Assembly
Security Council

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11 April 1996
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AND FRENCH

GENERAL ASSEMBLY
Fiftieth session
Agenda items 20 (b), 71 (b) and 112 (c)
STRENGTHENING OF THE COORDINATION OF
HUMANITARIAN AND DISASTER RELIEF
ASSISTANCE OF THE UNITED NATIONS,
INCLUDING SPECIAL ECONOMIC ASSISTANCE:
SPECIAL ECONOMIC ASSISTANCE TO
INDIVIDUAL COUNTRIES OR REGIONS
REVIEW AND IMPLEMENTATION OF THE
CONCLUDING DOCUMENT OF THE TWELFTH
SPECIAL SESSION OF THE GENERAL ASSEMBLY:
REGIONAL CONFIDENCE-BUILDING MEASURES
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS
SITUATIONS AND REPORTS OF SPECIAL
RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, upon instructions from my Government, the Arabic, English and French official texts of the Political Charter, representing a peace agreement signed at Khartoum on Wednesday, 10 April 1996, between the Government of the Sudan and the two rebel factions, the South Sudan Independence Movement, led by Dr. Riak Machar, and the Sudan People's Liberation Movement, led by Lt. Col. Karbino Kuanyin.

I should be very grateful if the present letter and its enclosures were circulated as a document of the General Assembly under agenda items 20 (b), 71 (b) and 112 (c), and of the Security Council.

(Signed) Hamid Ali ELTINAY
Chargé d'affaires a.i.

ANNEX

Political Charter, signed at Khartoum on 10 April 1996

This charter has been concluded between the Government of the Sudan and the South Sudan Independence Movement/Army (SSIM/A).

In recognition of the series of previous peace talks, the two parties have pledged to put an end to the ongoing civil war in the Sudan. They agreed on the provisions mentioned below in this charter.

1. To resolve the conflict in the Sudan through peaceful and political means.

2. The unity of the Sudan with its known boundaries shall be preserved, its entity shall be secured against all internal and external dangers. The two parties shall endeavour to keep peace, justice and supremacy of values of right, goodness and virtue.

3. After full establishment of peace, stability and a reasonable level of social development in the south, and at the end of the interim period, a referendum shall be conducted by the people of the southern Sudan to determine their political aspirations.

4. Recognizing the constitutional development, implementation of the federal system and political practice based on the values of participator democracy, the two parties shall endeavour to boost progress in these fields in the light of changing situations.

5. Citizenship shall be the basis of rights and duties in furtherance of the values of justice, equity, freedom and human rights.

6. Sharia and custom shall be the sources of legislation. However, States may enact legislation complementary to the federal law in matters peculiar to those States.

7. Cultural diversity in the Sudan is recognized; Sudanese people are encouraged to freely express their values.

8. Freedom of religion and belief shall be observed and a suitable atmosphere shall be maintained for practising worship, dawa, proselytization and preaching. No citizen shall be coerced to embrace any faith or religion.

9. Social development is an extreme priority for the achievement of which the Government shall plan for confidence-building and expediting the process of alleviation of poverty, ignorance and illiteracy. The States shall also cater for provision of knowledge and satisfaction.

10. Power and national wealth shall equitably be shared for the benefit of the citizens in the country. The details shall be worked out by the two parties.

11. A coordinating council shall be formed between the southern States for better implementation of the subsequent Peace Agreement.

12. The two parties shall work together for the stability and improvement of living conditions in the war-affected areas according to the provisions of the subsequent Peace Agreement. Both sides shall carry the duty of implementing the security arrangement, resettlement, reconstruction, development and preservation of rights and duties.

13. The Sudan shall interact with African and Arab nations and the world community on the basis of the effective Sudanese identity for the benefit of the country.

14. Sudanese in general and Southerns in particular shall be mobilized to rally behind and support the subsequent peace agreement.

For the Sudan Government:

(Signed)

Maj. Gen. Al Zubeir Mohammed Salih
First Vice-President of the
Republic of the Sudan

For SSIM/A:

(Signed)

Commander Dr. Riak Machar Teny Dhurgon
Chairman of NLC SSIM and Commander-
in-Chief of SSIA

For SPLM/A (BGG):

(Signed)

Commander Karbino Kuanyin
Chairman of SPLM/A (BGG)

UNITED
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GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5543, entitled "The Israeli occupation of parts of southern Lebanon and the western Bekaa and the implementation of Security Council resolution 425 (1978)", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

* A/51/50.

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ANNEX

Resolution 5543, entitled "The Israeli occupation of parts of southern Lebanon and the western Bekaa and the implementation of Security Council resolution 425 (1978)", as adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996

The Council of the League of Arab States,

Having taken note of the memorandum of the General Secretariat and of the recommendation of the Political Affairs Committee,

Condemning Israel's continued occupation of parts of southern Lebanon and the western Bekaa in flagrant violation of international law and in continuing disregard of Security Council resolution 425 (1978) and relevant subsequent resolutions,

Condemning the continuing Israeli attacks on Lebanese towns and villages in which prohibited weapons are being used against defenceless civilians and children,

Condemning oppressive Israeli practices and the naval blockade imposed on the southern coast of Lebanon that prevents fishermen from working unimpeded and from earning a living,

Reaffirming Lebanon's right to compensation for the human casualties and damage it suffers owing to repeated Israeli attacks and for the oppressive practices against the peaceful inhabitants of southern Lebanon and the western Bekaa that result from the Israeli occupation,

Recalling the Council's resolutions on Arab solidarity with the Lebanese Government for an end to the Israeli occupation of Lebanese territory, the most recent of which was its resolution 5494 (CIV) of 21 September 1995, and the resolutions adopted by the Tenth, Eleventh and Twelfth Arab Summit Conferences calling for support and assistance to the Lebanese Government for the rebuilding of the country,

Decides

1. To condemn Israel in the strongest terms for its continued occupation of parts of southern Lebanon and the western Bekaa; and to call upon the international community, and upon the United Nations and all its associated bodies in particular, to strive for the implementation of Security Council resolution 425 (1978) and the relevant subsequent resolutions calling for Israel's immediate and unconditional withdrawal from all occupied Lebanese territory to the internationally recognized boundaries;

2. To condemn Israel in the strongest terms for its persistence in making repeated attacks on Lebanese territory; and to urge the international community

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to redouble its efforts and take all possible measures to prevail upon Israel to lift its naval blockade of Lebanon's coast and a number of its ports;

3. To appeal to international organizations and their member States to bring pressure to bear on Israel to pay compensation to Lebanon for the damage caused by its repeated attacks on Lebanese territory and to take action to halt the inhumane and oppressive Israeli practices against the peaceful inhabitants of occupied Lebanese territory in the south and the western Bekaa;

4. To reaffirm its support for the efforts of the Lebanese State to extend its sovereignty and authority over all its territory, including the areas occupied by Israel in southern Lebanon and the western Bekaa;

5. To reaffirm the need for States members of the League of Arab States to implement Council resolution 5213 of 5 July 1992 calling for the provision of the assistance for the reconstruction of Lebanon allocated by them at their Tenth Summit Conference;

6. To extend its thanks to those States members of the League of Arab States that have provided the Lebanese Government with support and financial assistance pursuant to Council resolution 5318, adopted on 31 July 1993 at the Council's extraordinary session in Damascus; and to urge other member States also to provide financial assistance in a timely fashion in implementation of the same resolution.

Resolution 5543
One hundred and fifth regular session
3rd meeting
21 March 1996

UNITED
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GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5544, entitled "Lebanese hostages and detainees held in Israeli camps and prisons", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

* A/51/50.

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ANNEX

Resolution 5544, entitled "Lebanese hostages and detainees held in Israeli camps and prisons", as adopted by the Council of the League of Arab States at its one hundred and fifth session on 21 March 1996

The Council of the League of Arab States,

Having taken note of the memorandum of the General Secretariat and of the recommendation of the Political Affairs Committee,

Strongly condemning Israeli attacks and oppressive practices in the occupied Lebanese territories of southern Lebanon and the western Bekaa, in particular the kidnapping and detention of innocent citizens who are imprisoned without trial in prisons in Israel and in the camps run by forces under Israeli control,

Recalling with deep regret Israel's failure to implement Security Council resolution 425 (1978) and relevant subsequent resolutions,

Mindful of the principles of international law concerning the protection of human rights, in particular the Universal Declaration of Human Rights, the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and The Hague Convention of 1907,

Noting the insanitary and inhumane conditions in which the detainees are kept and in which a number of them have died,

Recalling the relevant resolutions of the United Nations Commission on Human Rights,

Recalling the Council's earlier resolutions on Lebanese hostages and detainees held in Israeli camps and prisons, the most recent of which was resolution 5495 (CIV), of 21 September 1995,

Decides

1. To condemn the persistent Israeli violations of human rights in southern Lebanon and the western Bekaa, as exemplified by the kidnapping and arbitrary arrest of civilians and the destruction of their homes, the confiscation of their property and their expulsion from their land, as well as by the shelling of peaceful villages and urban areas;

2. To appeal to the international community, and the United Nations in particular, to take all necessary steps to deter Israel from committing such violations and to comply with Security Council resolution 425 (1978), which calls upon Israel to withdraw forthwith, completely and unconditionally, from all Lebanese territory and for respect for the sovereignty, independence and territorial integrity of Lebanon;

3. To appeal to the international community to make all necessary representations to Israel to secure the release of all Lebanese prisoners and victims of kidnapping held in prisons in Israel and in the camps run by forces under Israeli control in violation of the provisions of international law, the fourth Geneva Convention of 1949 and The Hague Convention of 1907;

4. To urge the member States of the League to use their good offices in international organizations so that all necessary representations are made to the Government of Israel, the occupying Power, to enable the International Committee of the Red Cross and other humanitarian organizations to visit the detainees in Khiam and Marj Uyun periodically and to ensure that the conditions in which they are being kept are inspected, they are provided with health and humanitarian care and their relatives are allowed to visit them regularly;

5. To demand that investigations be held, as required by international treaties, concerning Lebanese detainees who have died in Israeli camps and prisons, and that appropriate compensation be paid in accordance with the applicable international law.

Resolution 5544
One hundred and fifth regular session
3rd meeting
21 March 1996

UNITED NATIONS **S**

Security Council

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S/1996/274
12 April 1996

ORIGINAL: ENGLISH

LETTER DATED 12 APRIL 1996 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite Mr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council with regard to the situation in the occupied Palestinian territory, including Jerusalem.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

96-09298 (E) 120496 130496

UNITED NATIONS **S**

Security Council

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GENERAL

S/1996/275
12 April 1996

ORIGINAL: ENGLISH

LETTER DATED 11 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter from the Permanent Representative of the Sudan to the United Nations dated 4 April 1996 (S/1996/246) and its enclosure, and upon instructions from my Government, I have the honour to enclose herewith a statement by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, dated 10 April 1996, giving the Ethiopian position regarding the trial of the suspects.

I should be grateful if you could kindly arrange to have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Ambassador
Permanent Representative

Annex

Statement by the Ministry of Foreign Affairs of Ethiopia issued on 10 April 1996

The statement issued by the Ministry of Foreign Affairs of the Sudan on 2 April 1996 concerning the trial in Ethiopia of three individuals accused of the attempted assassination of Egyptian President Hosni Mubarak in Addis Ababa in June 1995 is yet another desperate attempt by the Sudan at diverting the attention of the international community from the real issue currently under consideration by the Security Council, namely, the measures to be taken by the Council against the Sudan for its failure to comply with Council resolution 1044 (1996) of 31 January 1996 demanding the extradition of the three terrorists sheltering in the Sudan and wanted in connection with the assassination attempt against the Egyptian President. But no amount of subterfuge by the Sudan can in the least affect the true state of affairs regarding Sudan's involvement in State-sponsored terrorism in general and the attempted assassination against President Mubarak in particular, which are all matters of record.

Thus the Security Council has in no uncertain terms determined in its resolution 1044 (1996) that the Sudan is giving shelter to the three terrorists and that it engages in terrorist activities against its neighbours. And yet the Sudanese Government has the temerity to claim that Ethiopia has implicated the Sudan in the assassination attempt against the Egyptian President. We are well beyond that stage now. It has been quite some time since the matter ceased to be a bilateral issue between Ethiopia and the Sudan. Security Council resolution 1044 (1996) has effectively transformed it into an international issue in the hands of the Security Council. Here is a State Member of the United Nations which has been branded a sponsor of state terrorism by no less a body than the Security Council of the United Nations and has engaged itself in brazen obstruction of justice by refusing to extradite to Ethiopia three terrorists to stand trial for their terrorist activities as specifically demanded by the Security Council. Still, this international pariah State has the audacity to call for a public trial for the three terrorists now on trial in Ethiopia while giving shelter to the three other terrorists who should have been in the same situation as their co-conspirators facing justice in Ethiopia. Given the deep and glaring involvement of the Government of the Sudan, as established by incontrovertible evidence presented on the international plane, in the entire conspiracy to assassinate the Egyptian Head of State, the latest smokescreen created by the Sudan defies all logic and borders on being so farcical that the Sudan will once again fail in its futile attempt to hoodwink international opinion.

In the light of the foregoing, the Government of the Sudan has no legal or moral right to speak on behalf of the three defendants now on trial in Ethiopia, let alone make the outrageous demand that the trial be public.

On the question of public trial itself, independently of whether the Sudan has conducted itself properly in the whole episode, it should be pointed out that it is quite common for domestic legislation, including constitutions, to provide for circumstances under which trials may be held in camera. Moreover,

under international law it is permissible to exclude the public and the press from all or any part of a trial for reasons of national security, public order or morals or when the interest of personal lives of the parties so requires or, in the court's view, where publicity would prejudice the interests of justice. The decision of the Ethiopian court, which is in full conformity with article 20 of the Ethiopian Constitution to hold the trial of the three defendants in camera, is also fully consistent with the standard of international law.